



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, March 15, 2010

Commissioner Joyce Avery, Chairman
Commissioner Sidney Chism, Chairman Pro Tempore
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner George Flinn
Commissioner J.W. Gibson II

Commissioner James Harvey
Commissioner Deidre Malone
Commissioner Edith Ann Moore
Commissioner Steve Mulroy
Commissioner John Pellicciotti
Commissioner Mike Ritz

3/12/2010 5:07 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Joyce Avery

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Pastor Marlon Bradford
Victorious Living Christian Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session
February 22, 2010

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. Resolution honoring Mr. Rod Phillips, founding father of Shelby Youth Sports. Sponsored by Commissioner James Harvey.

Ordinances

FLINN

Chairman, General
Government
Committee

2. [ORDINANCE - SECOND READING - An Ordinance to Amend the Shelby County Code of Ordinances, Chapter 12.5, Article II, Relative to the "Code of Ethics." Sponsored by Commissioner Mike Ritz.](#)

Zoning and Subdivisions

HARVEY

Vice-Chairman, Land
Use Committee

3. [Resolution to accept the public improvements and release the bond that secured the improvements to the Oaks at Appling P.D. \(P.D. 02-336 CC\) Sponsored by Commissioner Mike Ritz.](#)

HARVEY

Vice-Chairman, Land
Use Committee

4. [Resolution to accept the public improvements and release the bond that secured the improvements to Stonebriar PD, Phase 4, Area 6 \(P.D. 03-335 CC\) Sponsored by Commissioner Mike Ritz.](#)

Reports and/or Resolutions for Standing Committees

CARPENTER

Chairman, Public
Works Committee

5. [A resolution approving a contract amendment in the amount of \\$12,350.00 with AFRAM Corporation for design services for the replacement of the Ward Road Bridge and approaches over Big Creek Drainage Canal and this item requires an expenditure of State Gas Tax Funds in the amount of \\$12,350.00. Sponsored by Commissioner Mike Carpenter.](#)

CARPENTER

Chairman, Public
Works Committee

6. A Resolution approving a contract with Encor, LLC in the amount of \$210,372.00 and \$21,037.00 for an extra work allowance for a total amount of \$231,409.00 for construction of a parking lot extension and underground utility relocations at the Memphis and Shelby County Juvenile Court and appropriating said funds. This item requires expenditure of County Capital Improvement Program Funds in the amount of \$231,409.00. Sponsored by Commissioner Mike Carpenter.

CARPENTER

Chairman, Public
Works Committee

7. Resolution approving the conveyance of a tract of County owned land, 0.74 acres in size, located at the intersection of Austin Peay Highway (State Route No. 14) and Rosemark Rd., to the State of Tennessee, for nominal monetary consideration, for the maintenance, widening and improvement of Austin Peay Highway; and authorizing the County Mayor to execute a Quit Claim Deed to effect the transfer of the same. Sponsored by Commissioner Mike Carpenter.

MALONE

Chairman, Hospitals
and Health Committee

8. A Resolution to approve an amendment to the FY 2009-2010 operating budget in the amount of \$12,036.00 to establish one new grant fund for the provision of the March of Dimes Cradles of Love Project to reduce the risk of sudden infant death syndrome (SIDS) and the appropriation of said funds. This item requires the expenditure of Private Donor grant funds under the March of Dimes Cradles of Love Project grant program in the amount of \$12,036.00. Resolution sponsored by Commissioner Deidre Malone. (AMENDED IN COMMITTEE 3/10/10)

CHISM

Chairman, Law
Enforcement
Committee

9. Resolution receiving and filing the oath of office for Divorce Referee Cary C. Woods. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

10. A resolution approving the expenditure of funds by the Office of Preparedness FY 2010 Operating Budget in the amount of \$111,566.40 to Motorola, and to appropriate funds for portable radios requested by the University of Memphis, and this item requires the expenditure of Pass Thru Grant Funds under the U.S. Department of Homeland Security Grant Programs in the amount \$111,566.40 Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

11. A resolution approving a contract extension for an additional one year in the amount of \$727,000.00 with the Military Department of Tennessee and the Tennessee Emergency Management Agency, related to Public Safety Interoperable Communications (PSIC) Grant to support public safety responders during an emergency and this item requires the expenditure of pass through grant funds under the U.S. Department of Homeland Security Grant Programs in the amount of \$727,000.00 Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

12. Resolution amending the FY2010 Operating Budget and appropriating funds for an American Recovery and Reinvestment Act Edward Byrne Memorial Justice Assistance Competitive Grant from the Tennessee Administrative Office of the Courts in the amount of \$15,000.00 for security enhancements at the Criminal Justice Center Complex and this item requires expenditure of Federal Grant Funds in the amount of \$15,000.00. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

13. Resolution to approve a contract with the University of Memphis in the amount of \$30,000 for the provision of evaluation services and appropriation of said funds. This item requires expenditure of Federal SAMHSA Grant Funds in an amount not to exceed \$30,000. Sponsored by Commissioner Sidney Chism.

MOORE

Chairman, Community
Services Committee

14. A Resolution to amend the FY 2010 Operating Budget to appropriate additional grant funds in the amount of \$24,325 from the State of Tennessee Department of Agriculture for the Shelby County Commodities Program. This item requires expenditure of state grant funds in the amount of \$24,325. Sponsored by Commissioner Edith Ann Moore.

FLINN

Chairman, General
Government
Committee

15. Resolution approving direct transfers of eight (8) employees of the City of Memphis to the County for the convenience of the County. Sponsored by Commissioner George Flinn.

FLINN

Chairman, General
Government
Committee

16. Resolution Approving Direct Transfers of Nine (9) County Employees to the City of Memphis for the Convenience of the City of Memphis. Sponsored by Commissioner George Flinn.

BROOKS

Chairman, Delinquent
Tax Property
Committee

17. Resolution approving the sale of ten (10) County owned delinquent tax parcels, acquired from Shelby County Trustee Tax Sale Nos. 0005, 23, 91.1A, 0201, 0304, 0405, and 0503, to identified purchasers at various prices collectively totaling \$69,410.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute quit claim deeds. Sponsored by Commissioner Henri Brooks.

BROOKS

Chairman, Delinquent
Tax Property
Committee

18. A Resolution approving the conveyance of sixteen (16) unimproved parcels and one (1) improved parcel of County owned delinquent tax property to Jacob's Ladder Community Development Corporation, a Tennessee Not-For Profit Corporation, for nominal consideration; and to authorize the Mayor to execute quit claim deeds conveying said parcels to Jacob's Ladder Community Development Corporation, a Tennessee Not-For-Profit Corporation, for its use in developing low income single family housing that will be owner occupied. Sponsored by Commissioner Henri Brooks.

REGULAR AGENDA

Elections, Appointments, and Confirmations

FLINN

Chairman, General
Government
Committee

19. Resolution approving the County Mayor's nomination of Robert B. Norcross and Rosalyn Willis for appointment to the Memphis and Shelby County Land Use Control Board. Sponsored by Commissioner George Flinn.

FLINN

Chairman, General
Government
Committee

20. Resolution approving the County Mayor's nomination of Dick Leike for reappointment to the Memphis and Shelby County Industrial Development Board. Sponsored by Commissioner George Flinn.

FLINN

Chairman, General
Government
Committee

21. Resolution approving the County Mayor's nomination of Cathy Simmons, Mary Sharp and Eunice Lipford, Jr. for reappointment to the Memphis and Shelby County Center City Parking Authority. Sponsored by Commissioner George Flinn. (SENT WITHOUT RECOMMENDATION FROM COMMITTEE 3/10/10)

FLINN

Chairman, General
Government
Committee

22. Resolution approving the County Mayor's nomination of Daniel Dow and Lynda Raiford for reappointment to the Memphis and Shelby County Board of Adjustment. Sponsored by Commissioner George Flinn.

FLINN

Chairman, General
Government
Committee

23. Resolution approving the County Mayor's nomination of Ernest Strickland for reappointment to the Memphis and Shelby County Center City Commission. Sponsored by Commissioner George Flinn.

Ordinances

HARVEY

Vice-Chairman, Land
Use Committee

24. [ORDINANCE – SECOND READING – ZTA 09-002 CC](#)
[-- a joint ordinance amending the Memphis and](#)
[Shelby County Zoning Ordinance regulations](#)
[adopted by the Shelby County Board of](#)
[Commissioners on October 6, 1980, and by the](#)
[Council of the City of Memphis on October 7, 1980,](#)
[being Resolution and Ordinance No. 3064, as](#)
[amended, so as to make certain changes therein as](#)
[follows:](#)

(1) Amend Appendix A Zoning, Section 2 to define
the term "Family

Recreation Center(s)".

(2) Amend Appendix A Zoning, Section 2 to define
the term "Park(s)"

(3) Amend Chart 1, Footnote 18, requiring adult
entertainment uses to

be located a minimum distance of 1,500 feet
from certain identified

uses, to add "Family Recreation Center(s)" as
one of the identified
uses listed.

Sponsored by Commissioner Ritz

(Notice of public hearing published in the Daily
News Friday, February 12, 2010)

(AMENDED IN COMMITTEE 3/10/10)

FLINN

Chairman, General
Government
Committee

25. [ORDINANCE - THIRD READING - An ordinance](#)
[adopting Supplement No. 37 to the Code of the](#)
[Ordinances of Shelby County, Tennessee.](#)
[Sponsored by Commissioner George Flinn.](#)

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

MALONE

Chairman, Hospitals
and Health Committee

26. A Resolution to approve an amendment to the FY 2009-2010 operating budget in the amount of \$42,225.00 for the provision of the Women, Infants and Children (WIC) grant program, and an amendment to the FY2009-2010 Position Control Budget, and the appropriation of said funds. This item requires the expenditure of Federal thru State grant funds under the WIC Grant program in the amount of \$42,225.00. Resolution sponsored by Commissioner Deidre Malone.

MOORE

Chairman, Community
Services Committee

27. Resolution approving the lease of 22,824 square feet of office space located at 1391 Madison Avenue between Shelby County Government and 1399 Madison Properties, LLC and to authorize the Shelby County Mayor to execute the lease agreement. Sponsored by Commissioner Mike Carpenter. (DEFERRED TO 3/29/10)

MOORE

Chairman, Community
Services Committee

28. Resolution to accept local grant funds in the amount of \$15,000.00 for the Head Start Program, to amend the FY2009-10 Operating Budget and to appropriate said funds. This item requires expenditure of local grant funds in the amount of \$15,000.00. Sponsored by Commissioner Edith Ann Moore.

MOORE

Chairman, Community
Services Committee

29. Resolution to amend the FY 2010 Operating Budget to appropriate additional grant funds from the Tennessee Department of Human Services in the amount of \$3,806,368.00 for the Low Income Home Energy Assistance Program for the period of July 1, 2009 through June 30, 2010. This item requires expenditure of state grant funds in the amount of \$3,806,368.00. Sponsored by Commissioner Edith Ann Moore.

FLINN

Chairman, General
Government
Committee

30. Resolution to amend Shelby County Retirement System Plan A to change the certain definitions affecting the calculation of benefits of City-to-County Transfer Employees and County-to-City Transfer Employees. Sponsored by Commissioner George Flinn. (DEFERRED TO 3/29/10)

FLINN

Chairman, General
Government
Committee

31. [Resolution to amend Shelby County Retirement System Plan B to change the certain definitions affecting the Calculation of Benefits of City-to-County Transfer Employees and County-to-City Transfer Employees and to correct a Scrivener's Error relating to calculation of deferred vested pensions. Sponsored by Commissioner George Flinn. \(DEFERRED TO 3/29/10\)](#)

FLINN

Chairman, General
Government
Committee

32. [Resolution to amend Shelby County Retirement System Plan C to change the certain definitions affecting the calculation of benefits of City-to-County Transfer Employees and County-to-City Transfer employees and to correct a Scrivener's Error relating to vesting of pensions of County-to-City Transfer employees. Sponsored by Commissioner George Flinn. \(DEFERRED TO 3/29/10\)](#)

MULROY

Chairman, Legislative
Committee

33. [Resolution of the Board of County Commissioners of Shelby County, Tennessee requesting the Shelby County delegation to support, and members of the Tennessee General Assembly to enact, Senate Bill 3388 and House Bill 3593 creating a pilot project in Shelby County, Tennessee for a voluntary foreclosure mediation program. Sponsored by Commissioner Steve Mulroy.](#)

MULROY

Chairman, Legislative
Committee

34. [Resolution of the Board of County Commissioners of Shelby County, Tennessee, requesting the Shelby County delegation to support, and members of the Tennessee General Assembly to enact, House Bill 2635 relative to taxation for certain buildings owned by charitable institutions. Sponsored by Commissioner Steve Mulroy.](#)

Announcements/Statements

35. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the County Mayor's nomination of Richard S. Hollis, Jr. and Marsh Campbell for appointment to the Shelby County Agricenter Commission. Sponsored by Commissioner George Flinn.

Adjournment

36. **Adjournment to Monday, March 29 at 1:30 p.m.**